

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment
of Certificate No. 106-W to add
territory in Lake County by
Florida Water Services
Corporation.

DOCKET NO. 991666-WU
ORDER NO. PSC-01-0395-PCO-WU
ISSUED: February 16, 2001

ORDER GRANTING MOTION FOR CONTINUANCE
OF PREHEARING, HEARING, AND KEY ACTIVITY DATES

On November 3, 1999, Florida Water Services Corporation (FWSC or utility) filed an application for amendment of Certificate No. 106-W to add territory in Lake County. The City of Groveland (City) timely filed a protest to the application on November 24, 1999. By Order No. PSC-00-0623-PCO-WU (Order Establishing Procedure), issued April 3, 2000, this matter had been set for an administrative hearing on December 11 and 12, 2000. By Order No. PSC-00-1405-PCO-WU, issued August 1, 2000, the filing dates for testimony and prehearing statements were revised. On October 27, 2000, the parties filed a Joint Motion for Extension of Time to File Rebuttal Testimony and Joint Motion for Continuance of the final hearing dates. By Order No. PSC-00-2096-PCO-WU, issued November 6, 2000, the hearing dates were changed to March 13 and 14, 2001, the prehearing date was changed to March 1, 2001, and consequently other key activity dates were changed. By Order No. PSC-00-2261-PCO-WU, issued November 28, 2000, the discovery cutoff date was extended to March 6, 2001. Pursuant to Order No. PSC-00-2464-PCO-WU, issued December 21, 2000, FWSC was granted an extension to file rebuttal testimony. The filing date for rebuttal testimony was subsequently extended to January 9, 2001, by Order No. PSC-01-0028-PCO-WS, issued January 5, 2001. By Order No. PSC-01-0279-PCO-WU, issued January 31, 2001, the hearing dates were changed to March 15 and 16, 2001.

On February 12, 2001, the City filed a Motion for Continuance. In its Motion, the City states that the parties have scheduled settlement discussions to be held on February 16, 2001. The City asserts that the parties are committed to working toward a mutually satisfactory resolution of the territorial issue in dispute. Further, the City contends that should a settlement be reached, both parties will require additional time to obtain approval of the

DOCUMENT NUMBER-DATE

02176 FEB 16 2001

FPSC-RECORDS/REPORTING

settlement from the corporation and the City's governing body. Therefore, the City requests that the hearing and associated procedural dates be continued. In its Motion, the City states that FWSC counsel had no objection to the Motion. However, FWSC counsel had been unable to confirm whether his client had any objection at the time the Motion was filed. Subsequently, Commission staff contacted FWSC counsel who confirmed that FWSC does not object to the Motion.

Upon consideration of the foregoing, I find it reasonable to grant the City's Motion for Continuance. Accordingly, the prehearing, hearing, and key activity dates are modified as follows:

- | | |
|--------------------------|----------------------|
| 1) Discovery Cutoff | June 18, 2001 |
| 2) Prehearing Conference | June 25, 2001 |
| 3) Hearing | July 11 and 12, 2001 |
| 4) Briefs | August 13, 2001 |

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the City of Groveland's Motion for Continuance is hereby granted. The prehearing, hearing, and key activity dates are modified as set forth in the body of this Order. It is further

ORDER NO. PSC-01-0395-PCO-WU
DOCKET NO. 991666-WU
PAGE 3

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 16th day of February, 2001.


BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

PAC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060,

ORDER NO. PSC-01-0395-PCO-WU
DOCKET NO. 991666-WU
PAGE 4

Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.